

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOHAMMAD SAAILI SHIBIN,  
a/k/a "Khalif Ahmed Shibin,"  
a/k/a "Mohammad Ali,"  
a/k/a "Ali Jama,"

Defendant.

CRIMINAL CASE NO.  
2:11cr33

TRANSCRIPT OF PROCEEDINGS  
(**Testimony of Mohamud Salad Ali**)

Norfolk, Virginia  
April 26, 2012

BEFORE: THE HONORABLE ROBERT G. DOUMAR,  
United States District Judge, and a jury

APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE  
By: Joseph E. DePadilla, Esquire  
Benjamin L. Hatch, Esquire  
Brian J. Samuels, Esquire  
Paul Casey, Esquire  
Assistant United States Attorneys  
Counsel for the United States

ZOBY & BROCCOLETTI, P.C.  
By: James O. Broccoletti, Esquire  
Counsel for the Defendant

DAVID W. BOUCHARD, ESQUIRE  
Counsel for the witness

## I N D E X

ON BEHALF OF THE GOVERNMENT:	Direct	Cross	Red.	Rec.
M. Salad Ali	3	14	26	--

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(None)	

—M. Salad Ali - Direct—

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2

3 THE COURT: Call your next witness.

4 MR. BROCCOLETTI: We call Mohamud Salad Ali.

5 THE COURT: Ms. Baxter, would you tell the marshals  
6 to get him in here.

7 THE CSO: He's already called them.

8 THE COURT: Oh, okay.

9 (There was a pause in the proceedings.)

10 THE COURT: Mr. Bouchard, you can sit up here, if  
11 you like, sir.

12 MR. BOUCHARD: Thank you, Your Honor.

13 (The witness was administered the oath by the  
14 Clerk.)

15 MR. BROCCOLETTI: May I proceed, Your Honor?

16 THE COURT: Yes.

17 MOHAMUD SALAD ALI, called as a witness, having first  
18 duly affirmed, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. BROCCOLETTI:

21 Q. Good afternoon. Could you tell us your name, please?

22 A. My name is Mohamud.

23 Q. And do you have a full name?

24 A. My name is Mohamud Salad Ali.

25 Q. Do you have nickname?

—M. Salad Ali - Direct—

1 A. Yes. I'm called Juguuf.

2 Q. Sir, how old are you?

3 A. I'm 36 years old.

4 Q. Where are you from?

5 A. Somalia.

6 Q. Mr. Ali, have you pled guilty to and been convicted of in  
7 this Court piracy and hostage-taking resulting in death?

8 A. Yes.

9 Q. And have you been sentenced to two life imprisonment  
10 sentences?

11 A. It was a one-time life sentence.

12 MR. BROCCOLETTI: Judge, if I may show the witness  
13 Government's Exhibit 2-9 B, please.

14 MR. BROCCOLETTI: Mr. Pierce.

15 THE COURT: Is that in English?

16 MR. BROCCOLETTI: It is, Your Honor. It's his plea  
17 agreement, Judge.

18 THE COURT: What?

19 MR. BROCCOLETTI: It's his plea agreement.

20 THE COURT: Oh, okay. I thought it was something  
21 else. I'm sorry.

22 MR. BROCCOLETTI: No, sir.

23 BY MR. BROCCOLETTI:

24 Q. Mr. Ali, I want to show you what's been marked as  
25 Government's Exhibit 2-9 B.

—M. Salad Ali - Direct—

1           Do you recognize that as your plea agreement in this  
2 case?

3       A. I recognize this document.

4       Q. And does it contain your initials at the bottom of each  
5 page and your signature at the end?

6       A. My initials are on this page.

7       Q. And, in fact, is that your lawyer, Mr. Bouchard, who is  
8 sitting behind you?

9       A. Yes, he's my lawyer.

10      Q. And you've had an opportunity to talk to your lawyer  
11 today before you are taking the witness stand?

12      A. Yes, we talked, me and my lawyer.

13      Q. And, Mr. Ali, you know that I have no authority to  
14 file --

15           THE COURT: Stop.

16           MR. BROCCOLETTI: Yes, sir.

17           THE COURT: Ask questions.

18           MR. BROCCOLETTI: Yes, sir.

19           THE COURT: Just ask questions.

20      BY MR. BROCCOLETTI:

21      Q. Do I have the authority under our plea agreement to ask  
22 for a reduced sentence?

23      A. That's for the government to decide, if I will have  
24 the -- if my sentence will be reduced or if it will stay the  
25 same.

—M. Salad Ali - Direct—

1 Q. Mr. Ali, what did you do in Somalia?

2 A. At one time I was a policeman in Somalia, and on other  
3 occasions I was -- I used to work on the sea, and I did many  
4 different jobs.

5 Q. In February of 2011 were you one of the pirates on the --  
6 that seized the Quest?

7 A. Yes, I was a member.

8 Q. What was your role?

9 A. I was one of the soldiers who went out to see who  
10 captured it, the vessel. We were 19 in all.

11 Q. Were you one of the six that first boarded the ship?

12 A. No, I was not a member of that.

13 Q. Where were you?

14 A. At the time that the six men went up on the vessel I was  
15 in the other boat.

16 Q. What was your role?

17 A. I was a member of the team who were the guardians.

18 Q. Were you the leader, the second in charge, or just  
19 someone else?

20 A. I was a member. I was not the leader, and I was not the  
21 vice leader.

22 Q. Do you remember the names of the six men that first  
23 boarded the Quest?

24 A. I know some of them, but I cannot make sure that I know  
25 every one of them.

—M. Salad Ali - Direct—

1 Q. Which ones do you remember?

2 A. I remember one man called Shani. I also know one man  
3 called Damud, and he was the pilot of this boat. I remember  
4 another man called Hindi. I remember those three men, but  
5 the others I don't have their names exactly.

6 Q. At some point did you board the Quest?

7 A. Ship?

8 Q. Right. Did you go on the ship? Did you go on the Quest?

9 A. The Quest ship? Yes, I boarded that ship.

10 Q. At some point did you see the U.S. Navy in the area?

11 A. Yes, I saw them.

12 Q. Did you talk to the Navy on bridge-to-bridge  
13 communications?

14 A. There were other members who were doing the  
15 communications. I was just one of the men who were around.

16 Q. Do you know the defendant Shibin?

17 A. Yes, I know him.

18 Q. How long have you known him for?

19 A. I know him for many -- several years.

20 Q. Are you related?

21 A. Yes, we are from the same family.

22 Q. Same clan?

23 A. Yes.

24 Q. Same subclan?

25 A. We are from the same clan, and we are even close.

—M. Salad Ali - Direct—

1 Q. At some point while you were on board the Quest did you  
2 provide Shibin's name and telephone number to the United  
3 States Navy?

4 A. In the beginning there was one warship, then there were  
5 three warships that came close to us, and when they  
6 threatened us, that was the time when we decided to give them  
7 the name of that man so that he could explain to them that  
8 they do not think that we are terrorists.

9 Q. And when you say "that man" you're referring to Shibin?

10 A. Yes, I mean Shibin.

11 Q. And you knew his telephone number?

12 A. Yes, I knew his number.

13 Q. And who did you give the name and the number to?

14 A. I gave the people from the ship. Those were the people  
15 with whom we were talking.

16 Q. The Navy?

17 A. Yes. Yes, the Navy people, and also the man who was  
18 talking on the equipment that he had.

19 Q. Do you know a pirate on the Quest by the name of  
20 Abdullahi?

21 A. No, I do not.

22 Q. Do you know a person who goes by the name of Sarindaaq?

23 A. Yes, I know him.

24 Q. Do you know a person on the Quest by the name of Jilani?

25 A. Yes, I know.



—M. Salad Ali - Direct—

1 Q. Who was speaking to the Navy on your behalf from the  
2 Quest?

3 A. In the beginning the communication was taken care of by a  
4 man called Sarindaaq. Then afterwards we changed him, and we  
5 changed him with another man called Ibrahim Agaweyne.

6 Q. Did you provide Shibin's telephone number to either of  
7 those two men?

8 A. They were present at another location, and I give that to  
9 Ibrahim Agaweyne.

10 Q. Did you tell him what to do with the number?

11 A. Who?

12 Q. Ibrahim or Sarindaaq.

13 A. What name would they use?

14 Q. Did you tell them why you were giving them Shibin's name  
15 and phone number?

16 A. We talked about this, and that was before we communicated  
17 with the government. We say that man who talked to us could  
18 talk on our behalf to the government.

19 Q. Why were you concerned about the Navy ships threatening  
20 you?

21 A. That no problems take place. We were trying to avoid  
22 problems to us and problems to them. We were trying to avoid  
23 both.

24 Q. And what did you want Shibin to do?

25 A. That he makes them understand that all our purpose was to

—M. Salad Ali - Direct—

1 get money.

2 Q. I'm going to take you back to the beginning of your  
3 involvement with the Quest.

4 How many investors were in the Quest?

5 A. How many what?

6 Q. Investors, financiers.

7 THE COURT: If he knows.

8 MR. BROCCOLETTI: If he knows.

9 THE WITNESS: There were many investors, but we had  
10 a commander, and that commander is present. He's in  
11 detention now. You should be contacting him about that.

12 BY MR. BROCCOLETTI:

13 Q. Who are you speaking of?

14 A. Sarindaaq.

15 Q. Well, were you present at any meeting of financiers or  
16 investors?

17 A. I used to see them meeting. I used to see them on the  
18 job. And those that I named their names, there are limited  
19 in number.

20 Q. Did you ever see an agreement signed amongst the  
21 financiers?

22 A. No. I was present at times when they were talking on the  
23 phone, I was present at times when they were talking about  
24 other things, but I no see them putting an agreement on  
25 paper.

—M. Salad Ali - Direct—

1 Q. Were you present at times when they held meetings?

2 A. Yes. There were occasions that I was present.

3 Q. And who were you -- who did you see at the meetings that  
4 were investors?

5 A. There were many men who were involved. There was a man  
6 called Liban Abdurahman, there was another man called  
7 Balixule, and there was another man called Mohamud Haji  
8 Khayr. There were many other men involved.

9 Q. Did you ever see Shibin at any of the meetings where the  
10 investors were?

11 A. No, I did not see him.

12 Q. When did you sail?

13 A. We left Garaad. We went to El Danaan, and from El Danaan  
14 we went to Beyle. We stayed a couple of days in Beyle, and  
15 then we left from --

16 THE INTERPRETER: Your Honor, he mentioned another  
17 town, and I did not get that.

18 BY MR. BROCCOLETTI:

19 Q. What other town did you mention?

20 A. From Beyle.

21 Q. When you left Garaad did you see Shibin?

22 A. We were still in Garaad when Shibin traveled to Galkayo.

23 Q. When you left to go to sea was Shibin in Galkayo or  
24 Garaad?

25 A. The last time that we saw him was when we left Garaad,

—M. Salad Ali - Direct—

1 but at that time he was already in Galkayo.

2 Q. Now, with respect to choosing the negotiator once the  
3 ship is seized, who has that decision-making?

4 A. The decision is made by the investors and by the  
5 commander of the team who seized the ship.

6 Q. And the commander in this case was...

7 A. Sarindaaq.

8 Q. Did you ever form an agreement with Shibin to be a  
9 negotiator?

10 A. I was not a commander; I was not an investor. How could  
11 I get into an agreement with him?

12 Q. Did you ever ask him to be a negotiator?

13 A. With Shibin?

14 Q. Correct.

15 A. No, I did not ask him.

16 Q. Did you ever tell Shibin that you were going to sea?

17 A. There was a time that I talked to him and I told him that  
18 I was short of money, that I needed money, and I told him  
19 that he send me some money so that I could go to Garaad.

20 Q. Did he?

21 A. It was not possible that he gives me money.

22 Q. And was that conversation on the phone or in person?

23 A. The last time it was by phone.

24 Q. Now, did you know Shibin to have translated in the past?

25 A. Yes, I knew that he was a translator on the German ship.

—M. Salad Ali - Direct—

1 Q. Did that enter into your decision to try and call him  
2 from the Quest?

3 A. I did not call him from the Quest ship.

4 Q. Did that enter into your decision to tell the Navy to  
5 call him?

6 THE COURT: You're assuming that he told the Navy  
7 something. I haven't heard that yet.

8 MR. BROCCOLETTI: He told --

9 BY MR. BROCCOLETTI:

10 Q. Who did you tell to call Shibin?

11 THE COURT: You said in the question that he told  
12 the Navy. All I'm saying is there's been no such  
13 testimony --

14 MR. BROCCOLETTI: Yes, sir.

15 THE COURT: -- that he told the Navy anything.

16 MR. BROCCOLETTI: Yes, sir. I'll rephrase that.  
17 I'm sorry.

18 THE COURT: Okay.

19 BY MR. BROCCOLETTI:

20 Q. Did that enter into your decision to tell Sarindaaq and  
21 Ibrahim to tell the Navy?

22 A. What issue?

23 Q. Never mind. I'll move on. That's fine.

24 Okay. Now, you have spoken on many different  
25 occasions to the government about this case.

—M. Salad Ali - Cross—

1 A. You asking me about something influencing my decision.

2 What issue are you talking about?

3 Q. We're moving on from that.

4 A. Yes.

5 Q. The question was you've spoken to the government many  
6 times about this case.

7 A. That's correct.

8 Q. And did you ever -- let me ask you this:

9 Did you ever see Shibin at the beach in Galkayo?

10 A. What? Galkayo has no beach.

11 Q. All right. Did you ever see him at the beach in  
12 discussing issues of piracy?

13 A. There was a time we were in Garaad at the beach. We met,  
14 but I did not see him talking about piracy.

15 Q. Did you ever tell him that you wanted him to be  
16 translator?

17 A. At that time I did not have any ship in my possession, so  
18 how could he be an interpreter for me, translator for me?

19 Q. Did Shibin agree at any time to be an interpreter for  
20 you?

21 A. No, we did not get into agreement on that.

22 Q. All right. Please answer any questions that the Court or  
23 counsel may have.

24 THE COURT: Do you have any questions, Mr. Hatch?

25 CROSS-EXAMINATION

—M. Salad Ali - Cross—

1 BY MR. HATCH:

2 Q. Good afternoon, Mr. Mohamud.

3 A. Good afternoon.

4 Q. So it's your testimony that the investors and perhaps the  
5 commander select the negotiator for the pirates, correct?

6 A. Yes.

7 Q. And you know that Liban Abdurahman was one of the pirates  
8 who was in charge of the German ship, right?

9 A. Yes, I know that.

10 Q. And you know that Liban used Shibin in those  
11 negotiations, correct?

12 A. I do not know how he used Shibin as an interpreter. I do  
13 not know about that, about that case.

14 Q. And you know that Hilaac was another one of the pirates  
15 in charge of the German ship, correct?

16 A. Yes, I know he was a member of that.

17 Q. Okay. And you know that Hilaac was also one of the  
18 investors in the mission that you went on that seized the  
19 Quest, correct?

20 A. He was one of the men who was in charge of the  
21 operations. He organize it so that they could go to the  
22 ocean.

23 Q. So Liban or Hilaac could have chosen Shibin as the  
24 negotiator for your mission and you may not have known about  
25 that, correct?

—M. Salad Ali - Cross—

1 A. I would not know that.

2 Q. Now, do you remember back on February 26th of 2011 you  
3 were at that time held aboard the USS Enterprise?

4 A. Yes, aboard the ship I was a prisoner. There was a time.

5 Q. And do you remember being interviewed by the FBI at that  
6 time?

7 A. I was interviewed by many people. I do not know who were  
8 FBI, and I do not know who were the police.

9 Q. Well, do you remember that this gentleman, Agent  
10 Coughlin, was one of the men who talked to you?

11 A. Yes, he interviewed me on many occasions.

12 Q. Now, isn't it true that on February 26, when you were on  
13 the USS Enterprise, you stated after Shibin received the  
14 ransom from the German boat you called Shibin and told him  
15 that you would call him when you had "prey," meaning when you  
16 had captured a ship?

17 A. What?

18 Q. Isn't it true, sir?

19 A. What is true? I do not understand.

20 Q. I'll break it down into pieces.

21 When you were on the USS Enterprise you told Agent  
22 Coughlin after Shibin received the ransom from the German  
23 boat you called Shibin and told him that you would call him  
24 when you had "prey," and you explained that that meant when  
25 you had caught a ship.



—M. Salad Ali - Cross—

1 A. No, I did not say that.

2 Q. And isn't it true in that same interview you said that  
3 you planned to use Shibin as a negotiator when you returned  
4 to Somalia with the Quest?

5 A. What the source of using Shibin as a translator was -- it  
6 was after the Navy ships threatened us, and it was our  
7 intention to use Shibin so that he could explain to them, and  
8 then it was our intention after that when we reach Somalia we  
9 would tell the investors to tell them that this man helped us  
10 and that we should use him as a translator.

11 Q. Mr. Mohamud, my question to you is do you admit on that  
12 day you told Agent Coughlin that Shibin was going to be your  
13 negotiator when you returned to Somalia?

14 A. My view, yes. It was my belief that we use him as an  
15 interpreter.

16 Q. Do you remember on May 20th, when you pled guilty in your  
17 case, you signed and swore to a statement of facts in  
18 connection with your plea?

19 A. With the government.

20 Q. And at that time you swore under oath that Shibin was  
21 going to serve as the conspirators' ransom negotiator upon  
22 their return to Somalia. Isn't that true?

23 A. No, that is not true.

24 Q. So you're saying you lied in your statement under oath on  
25 May 20th. Is that correct?

—M. Salad Ali - Cross—

1 A. No, I did not lie. What I swear upon on that day was to  
2 tell the truth, and that truth is what I'm telling now.

3 Q. If you would like, you can read your statement.

4 MR. HATCH: Mr. Pierce --

5 THE WITNESS: I do not read, but whatever I say in  
6 the presence of my lawyer and the other translator on that  
7 day is what I'm saying now.

8 BY MR. HATCH:

9 Q. Okay. Well, then, if I could I'll hand up --

10 MR. HATCH: With the assistance of the interpreter,  
11 sir, could you read to him the highlighted section of that  
12 document, please?

13 THE INTERPRETER: "Mohammad Saaili Shibin, also  
14 known as Khalif Ahmed Shibin, also known as Shibin, was going  
15 to sail as the conspirators' ransom negotiator upon their  
16 return to Somalia."

17 (The interpretation was given to the witness.)

18 THE WITNESS: That was my view, but it was not part  
19 of any agreement that I reached with Shibin.

20 BY MR. HATCH:

21 Q. All I'm asking you, sir, is what you swore to under oath  
22 on May 20th; that Shibin was going to be your negotiator. Is  
23 that true?

24 A. It was me who had interest to see Shibin as our  
25 negotiator, and I'm telling you that now.

—M. Salad Ali - Cross—

1 Q. Now, sir, on May 24th, after your guilty plea, do you  
2 recall talking to the government, including Agent Coughlin,  
3 again?

4 A. I do not remember the date, but I talk with many people  
5 in your country. I never wrote the dates about the  
6 interview.

7 Q. And in that interview you said you told Shibin that you  
8 were going to sea to hijack a boat, correct?

9 A. What?

10 Q. In that interview, sir, didn't you say you told Shibin  
11 that you and the others were going to sea to hijack a boat?

12 A. We left from a place that was open to the public when we  
13 took the boats.

14 Q. Sir --

15 THE COURT: The question is, did you make such a  
16 statement?

17 THE WITNESS: That we were leaving. I told him  
18 about that, but I did not tell him that he would be our  
19 interpreter.

20 BY MR. HATCH:

21 Q. Did you tell him that you were going to hijack a boat?

22 A. I did not tell him that, but what I told him was that we  
23 were going to sea, and I also told him that I am short of  
24 money and that if he could send me some money.

25 Q. Now, sir, the only reason you go to sea is to do piracy,

—M. Salad Ali - Cross—

1 right?

2 A. There are people who go to sea to fish, but us, we went  
3 out to sea for piracy.

4 Q. And in that same interview you said you told Shibin that  
5 if you were successful in hijacking a boat he would be your  
6 translator, true?

7 A. No, I did not tell him that.

8 Q. And in that same interview you said Shibin said he was  
9 ready to do the job.

10 A. So are we making up lies? I did not say that, and we did  
11 not talk about that with him.

12 Q. Now, later in that same interview you said Shibin said to  
13 you that he would be there, your translator, correct?

14 A. No, that's not correct.

15 THE COURT: Did you make any statement like that?

16 THE WITNESS: What I said was that I did not have  
17 any money and that he sent me some money. What I also said  
18 is that we are going to sea.

19 THE COURT: The question is not what he said, the  
20 question is did he make a statement in those words that  
21 Mr. Hatch has reiterated.

22 Did you make such a statement to Mr. Coughlin?

23 THE WITNESS: What I'm telling you is the extent to  
24 which I talked with Shibin.

25 THE COURT: My question doesn't have anything to do

—M. Salad Ali - Cross—

1 with what he talked to Shibin about. I don't care what he  
2 talked to Shibin about.

3 All I want to know is whether he made the statement  
4 that Shibin was going to be the negotiator or the interpreter  
5 when they went to sea. That's all I want to know, is whether  
6 he made such a statement, not whether it's true or not.

7 THE WITNESS: Parts of the statement I accept I say,  
8 but there are parts of the statement that I did not say.

9 BY MR. HATCH:

10 Q. We're going part by part, sir, and the question now is do  
11 you admit you said that day that Shibin told you that he  
12 would be your translator?

13 A. No, I did not say that.

14 Q. Now, do you remember, Mr. Mohamud, that this topic was  
15 discussed for an extended period of time during this  
16 interview?

17 THE COURT: Let's move along, Mr. Hatch. He's  
18 answered the question that he didn't make any such statement.

19 MR. HATCH: Okay.

20 THE COURT: Let's move along.

21 BY MR. HATCH:

22 Q. Do you remember giving another interview on June 7th?

23 A. I do not remember the date, but there were many occasions  
24 in which I participated in interview.

25 Q. And in the second interview after you pled guilty didn't

—M. Salad Ali - Cross—

1 you say, sir, that when you talked to Shibin, Shibin  
2 understood that he was going to be the interpreter because  
3 you told him --

4 MR. BROCCOLETTI: Judge, I object. I'm sorry.

5 There's more of the statement that he needs to read  
6 to put it in context.

7 MR. HATCH: I'm trying to get out the whole thing.

8 MR. BROCCOLETTI: Okay.

9 THE WITNESS: No, I did not say those words.

10 BY MR. HATCH:

11 Q. And isn't it true that you said that in response to your  
12 statement that he would be your negotiator that Shibin never  
13 said he did not want to be involved?

14 A. But who talked to him about being an interpreter? Only  
15 if he's asked can he respond to that.

16 Q. Mr. Mohamud, I'm just asking you whether you made this  
17 statement during your second meeting with the government  
18 after you pled guilty. Didn't you make that statement, sir?

19 A. What statement?

20 Q. The statement that when you asked Shibin -- when you told  
21 him he would be your translator, Shibin --

22 A. I did not ask him to be there.

23 Q. And you deny that you also said that Shibin never said he  
24 didn't want to be involved?

25 A. I know it's in the Constitution, but I tell the truth,

—M. Salad Ali - Cross—

1     whatever it is.

2     Q.   Now, sir, didn't you also say in that same interview that  
3     Mohamud Haji Khayr, Liban and you discussed that Shibin would  
4     be the translator?

5     A.   Liban was not involved.   It was Mohamud Haji Khayr and I  
6     who talked about this, and we say to each other that Shibin  
7     was a good translator.

8     Q.   So you and Mohamud Haji Khayr agreed that Shibin would be  
9     the translator.   Is that right?

10    A.   What we agreed upon was that after we come to something  
11    that's what we would do.

12    Q.   And you agreed that Mohamud Haji Khayr was one of the  
13    investors in the Quest, right?

14    A.   He was an operative.

15    Q.   And what is an operative?

16    A.   He was working, and he was putting together operations on  
17    the boat that we used to sail.

18    Q.   Mohamud Haji Khayr worked with the investors, right?

19    A.   Yes.

20    Q.   Now let's go to when you relayed to Ibrahim Mr. Shibin's  
21    name and phone number to give to the Navy, okay?

22             It was Ibrahim you told, right, not Sarindaaq?

23    A.   I gave to Ibrahim.

24    Q.   Now, you also would agree, sir, that at that time you all  
25    were using false names in your talks with the Navy.

—M. Salad Ali - Cross—

1 A. We used only one name, and that was the name of the man  
2 who was using the equipment, and he called himself Abdullahi.

3 Q. So Ibrahim is not Abdullahi, right?

4 A. No, he's not. His name is Ibrahim, but he passed away  
5 now.

6 Q. And Sarindaaq also wasn't named Abdullahi, right?

7 A. He's not called.

8 Q. So unless Mr. Shibin knew who you were and what you were  
9 doing when the Navy called him, he would have had no clue  
10 what was going on. Isn't that right?

11 MR. BROCCOLETTI: Objection. That's speculation,  
12 Your Honor. He can't speak to that issue.

13 THE COURT: Objection overruled.

14 THE INTERPRETER: Can you repeat that question,  
15 please? I'm sorry.

16 MR. HATCH: Yes.

17 BY MR. HATCH:

18 Q. Unless Mr. Shibin knew who you actually were and what you  
19 had been doing at sea, when the Navy called him he would have  
20 had no clue what they were calling about.

21 A. Man, when we were on the high seas we were confused  
22 people. We were just sitting and talking and doing things...

23 Q. Sir, isn't it true that if he didn't know who you were he  
24 would have had no idea what to do when the Navy called?

25 THE INTERPRETER: Can you repeat that? If he didn't



—M. Salad Ali - Cross—

1 know --

2 BY MR. HATCH:

3 Q. If he didn't know who you were and what you were up to,  
4 he would have had no idea what to do when the Navy called.

5 A. If they called him they would have put us forward so that  
6 we could explain to him, Please talk to them. "We are people  
7 who captured the ship but we are such men" -- you know, "such  
8 men."

9 MR. HATCH: Court's indulgence.

10 (There was a pause in the proceedings.)

11 MR. HATCH: No further questions, Your Honor.

12 THE COURT: Is Shibin your uncle?

13 THE WITNESS: We are from the same family. Uncle  
14 maybe from my father's side. Anyway, we're close to each  
15 other.

16 THE COURT: In a phone call to Shibin did you leave  
17 a message that he was your uncle?

18 THE WITNESS: No. What I tell to him was that I am  
19 such-and-such a man, that I do not have money, please send me  
20 some money.

21 THE COURT: Did you address Shibin as "Uncle"?

22 THE WITNESS: He's not an uncle from my mother's  
23 side, but he is more similar to an uncle from my father's  
24 side.

25 THE COURT: Have I raised any questions for you?

—M. Salad Ali - Redirect—

1 MR. HATCH: No, Your Honor.

2 THE COURT: Mr. Broccoletti?

3 REDIRECT EXAMINATION

4 BY MR. BROCCOLETTI:

5 Q. In the Somalian culture how do you refer to those that  
6 are older or elders?

7 A. "Uncle" or "Granddad."

8 Q. Even though they may not be?

9 A. Because of their age, they become so.

10 MR. BROCCOLETTI: Thank you.

11 THE COURT: Is Mr. Shibin your uncle by virtue of  
12 being related to your father?

13 THE WITNESS: No. As lineage we have to count many  
14 names before we can become that.

15 THE COURT: So he's not really related to you, then,  
16 huh?

17 THE WITNESS: We go side by side after ten names.

18 THE COURT: I don't know what "side by side" means.  
19 What does "side by side" mean?

20 THE WITNESS: If an account is given of my ancestry,  
21 it's up to ten names that we come and join each other.

22 THE COURT: Okay. Have I raised any questions for  
23 you?

24 MR. HATCH: No, Your Honor.

25 THE COURT: Any questions?

1 MR. BROCCOLETTI: No, sir.

2 THE COURT: One question -- no, I'm not going to ask  
3 it. Go ahead. I better leave it alone.

4 Are you through with this witness? Do you need this  
5 witness any further?

6 MR. HATCH: The government does not.

7 THE COURT: Do you need this witness any further?

8 MR. BROCCOLETTI: No, sir.

9 THE COURT: All right. You may be excused. Thank  
10 you, sir.

11 You're instructed not to discuss your testimony with  
12 anyone until this case is complete, at which time you're free  
13 to discuss it with anyone you like.

14 THE WITNESS: When you say not talk to anybody, do  
15 you mean people present in the court?

16 THE COURT: Don't talk to anybody about this case  
17 until it's over.

18 THE WITNESS: Even with my lawyer?

19 THE COURT: Well, you can talk to your lawyer all  
20 you want, yes. You can talk to your lawyer.

21 THE WITNESS: What about the members of the  
22 government?

23 THE COURT: What about who?

24 THE INTERPRETER: Members of the government.

25 THE COURT: I don't want you to talk to anybody

1 until the case is over, other than your lawyer.

2 THE WITNESS: So who let me know when the case is  
3 over?

4 MR. BOUCHARD: I'll let him know, Your Honor.

5 THE COURT: Mr. Bouchard, you better let him know.

6 MR. BOUCHARD: Yes, sir.

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15 CERTIFICATION

16

17 I certify that the foregoing is a correct transcript  
18 of an excerpt from the record of proceedings in the  
19 above-entitled matter.

20

21 s/s

22 Heidi L. Jeffreys

23

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July 3, 2012